

Michael F. Perlis (SBN 095992)
mperlis@lockelord.com
Cary Joy Economou (SBN 211438)
ceconomou@lockelord.com
F. Phillip Hosp (SBN 265225)
phosp@lockelord.com
LOCKE LORD LLP
300 South Grand Avenue, Suite 260
Los Angeles, California 90071
Telephone: (213) 485-1500
Facsimile: (213) 485-1200

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Atorneys for Plaintiff
ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

**ENDURANCE AMERICAN SPECIALTY
INSURANCE COMPANY, a Delaware
corporation,**

Case No. CV12-9277 JFW (Ex)

Hon. John F. Walter

FINAL JUDGMENT

VS

HAMILTON BREWART INSURANCE
AGENCY, LLC, a California limited liability
company; DEREK BREWART, an
individual; DEREK BREWART, AS
TRUSTEE OF THE HAMILTON
BREWART TRUST.

Action Filed: October 29, 2012
Amended Complaint: Jan. 14, 2013
Discovery Cutoff: June 3, 2013
Final PTC Date: July 19, 2013
Trial Date: July 30, 2013

Defendants.

1 THIS MATTER is before the Court at the stipulated requested of Plaintiff
2 Endurance American Specialty Insurance Company (“Endurance”) and Defendant
3 Hamilton Brewart Insurance Agency LLC (“HBIA”).

4 This Court previously entered the following:

5 1. On January 29, 2013, a Default by Clerk was entered as to Derek
6 Brewart, as Trustee of the Hamilton Brewart Trust (Docket No. 59).

7 2. On April 18, 2013, this Court granted Endurance’s Motion for Summary
8 Judgment against Defendants Derek Brewart, individually, and as Trustee of the
9 Hamilton Brewart Trust (Docket No. 106).

10 In light of the Court’s rulings and a settlement entered into by and between
11 Endurance and HBIA, pursuant to Federal Rule Civil Procedure 41(a)(1)(A)(ii), the
12 following matters have been dismissed with prejudice by Stipulation:

13 3. HBIA’s Counter-claim as against Endurance (Docket No. 57).

14 THEREFORE, IT IS HEREBY ORDERED and ADJUDGED as follows:

15 1. Judgment is entered in favor of Endurance against Defendants Derek
16 Brewart, individually and as Trustee of the Hamilton Brewart Trust, on
17 the grounds set forth in the Court’s April 18, 2013 Order (Docket No.
18 106), which Order is incorporated herein by reference as though fully set
19 forth;

20 2. The Professional Liability Insurance Policy, Number PPL 10002126201
21 that Endurance issued to Hamilton Brewart Insurance Agency LLC for
22 the Policy Period of July 1, 2011 to July 1, 2012 is rescinded and is
23 rendered void *ab initio*.

24 3. The Professional Liability Insurance Policy, Number PPL 10002126202
25 that Endurance issued to Hamilton Brewart Insurance Agency LLC for
26 the Policy Period of July 1, 2012 to July 1, 2013 is rescinded and is
27 rendered void *ab initio*.

4. Judgment is further entered in accordance with the Stipulation of Dismissal concurrently filed with this Court;
5. This action is dismissed with prejudice, in its entirety, with all parties bearing their own attorneys' fees and costs.

IT IS SO ORDERED.

Dated: June 10, 2013

HON. JOHN F. WALTER
UNITED STATES DISTRICT COURT JUDGE

Locke Lord LLP
300 South Grand Avenue, Suite 2600
Los Angeles, CA, 90071-3119